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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED UPON INVESTMENT IN  
THE OCEAN ATLANTIC (SECOND)  
LOAN**

**Date of Hearing: October 18, 2011**

**Time of Hearing: 1:30 p.m.**

**Estimated Time for hearing: 10 min.**

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE  
OCEAN ATLANTIC (SECOND) LOAN. THE USACM TRUST CONTENDS  
THAT YOU DO NOT HAVE A COMPLETELY VALID CLAIM BASED UPON  
YOUR INVESTMENT IN THIS LOAN BECAUSE YOU TOOK AN OBVIOUS  
RISK IN MAKING THAT INVESTMENT AND USCAM DID NOT GUARANTEE  
REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT IMPACT  
YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A  
DIFFERENT LOAN.**

1           **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
2           **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**  
3           **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
4           **SHOULD BE DIRECTED TO UNDERSIGNED COUNSEL, JOHN HINDERAKER**  
5           **(520-629-4430).**

6           **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
7           through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon  
8           Investment in the Ocean Atlantic (Second) Loan (with Certificate of Service) (the  
9           “Objection”). Your Proof of Claim number and other information regarding your claim is  
10          provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has  
11          requested that this Court enter an order, pursuant to section 502 of title 11 of the United  
12          States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy  
13          Procedure (the “Bankruptcy Rules”), disallowing your Claim to the extent it is based upon  
14          an investment in the Ocean Atlantic (Second) Loan. The Objection will not impact your  
15          Claim to the extent it is based upon an investment in a different loan.

16          **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
17          before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
18          Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
19          **October 18, 2011, at the hour of 1:30 p.m.**

20          **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON OCTOBER**  
21          **18, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**  
22          **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
23          **HEARD ON THAT DATE.**

24          **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
25          response to the objection must be filed and service must be completed no later than  
26

**fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: September 16, 2011

LEWIS AND ROCA LLP

By s/John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

Marvin Ruth, NV 10979

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*Attorneys for the USACM Liquidating Trust*

Copy of the foregoing and pertinent portion of Exhibits deposited in first class postage prepaid U.S. Mail on September 16, 2011 to all parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

s/ Matt Burns

Matt Burns, Paralegal